

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WESTCHESTER DIVISION

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

RANIR, LLC and
CVS PHARMACY, INC.

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.
d/b/a SPLINTEK,

Defendant.

Civil Action No. 07 CV 03302-UA-LMS

PLAINTIFF'S INITIAL PROPOSED
CLAIM CONSTRUCTION

COMES NOW Plaintiff Medtech Products Inc. ("Plaintiff") and submits the following initial proposed claim construction.

Claim 17

A method of fabricating an interocclusal appliance for alleviation of the adverse effects of bruxing or clenching events, the method comprising the steps of:

- a) molding and [sic] appliance base from a resin having a Vicat softening temperature of at least 70°C. and a Shore A hardness of at least 80; and
- b) molding over the base an impression preform from a resin comprising an ethylene vinyl acetate copolymer having approximately 30% by weight vinyl acetate.

Claim term	Construction
molding and [sic] appliance base	a step of molding an appliance base
a resin	a moldable material
a Vicat softening temperature	the temperature at which a flat-ended needle penetrates a specimen of the resin to the depth of 1 mm under a 10 Newton load, under ASTM D1525 standard
of at least 70°C	a minimum Vicat softening temperature
a Shore A hardness	a measurement of hardness using a TMI Duromotor model number 4150 equipped with a Shore Durometer Hardness Type A
of at least 80	a minimum Shore A hardness
molding over the base	a step of molding over the base
an impression perform	a formable material overlying the base
a resin	a moldable material
an ethylene vinyl acetate copolymer	a resin made of copolymers of ethylene vinyl acetate
having approximately 30% by weight vinyl acetate	the resin has approximately 30% by weight vinyl acetate

While Plaintiff does not believe that “interocclusal appliance” is a claim term that needs to be construed, to the extent that construction is necessary, Plaintiff proposes “an appliance that is used or fitted, in whole or in part, between portions of the upper and lower teeth.”

Dated: June 22, 2007

Respectfully submitted,

s/W. Edward Ramage/

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